

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,

Plaintiff,

No. CIV S-03-2442 LKK DAD P

vs.

M.D. McDONALD, et al.,

ORDER REQUIRING

Defendants.

STATUS REPORT

_____/

This matter has now been at issue for sufficient time that it may be ready to be set for trial. Plaintiff and defendants shall therefore each submit to the court and serve by mail on all other parties the following status report:

1. Whether this matter is ready for trial and, if not, why not;
2. Whether additional discovery is deemed necessary and, if so, the nature and scope of the discovery and the time needed in which to complete it;
3. Whether a pretrial motion is contemplated and, if so, the type of motion and the time needed to file the motion and complete the time schedule set forth in Local Rule 78-230(m);
4. A narrative statement of the facts that will be offered by oral or documentary evidence at trial;

- 1 5. A list of all exhibits to be offered into evidence at the trial of the case;
- 2 6. A list of the names and addresses of all witnesses the party intends to call;
- 3 7. A summary of the anticipated testimony of any incarcerated witnesses;
- 4 8. The time estimated for trial;
- 5 9. Whether either party still requests trial by jury; and
- 6 10. Any other matter, not covered above, which the party desires to call to the
- 7 attention of the court.

8 The parties are informed that they may, if all consent, have this case tried by a
9 United States Magistrate Judge while preserving their right to appeal to the United States Court
10 of Appeals. An appropriate form for consent to trial by a magistrate judge is attached. Any party
11 choosing to consent may complete the form and return it to the clerk of this court. Neither the
12 magistrate judge nor the district judge handling the case will be notified of the filing of a consent
13 form unless all parties to the action have consented.

14 In accordance with the above, IT IS HEREBY ORDERED that:

15 1. Plaintiff's status report shall be filed and served within thirty days from the
16 date of service of this order. Defendants' status report shall be filed within thirty days after
17 plaintiff's status report is served. The parties are advised that failure to file a status report in
18 accordance with this order may result in the imposition of sanctions, including dismissal of the
19 action or preclusion of issues or witnesses.

20 2. The clerk of the court is directed to mail to all parties the form "Consent to
21 Proceed Before United States Magistrate Judge," together with the instant order.

22 DATED: January 16, 2006.

23
24 
25 DALE A. DROZD
26 UNITED STATES MAGISTRATE JUDGE

DAD:13
spen2442.40